

**MINUTES
EAGAR TOWN COUNCIL
REGULAR MEETING
22 W. 2nd St., Eagar, AZ
January 3, 2017 - 7:00 P.M.**

Mayor Bryce Hamblin called the Regular Council Meeting to order and welcomed those present. Mayor Hamblin requested the record show all Councilmembers, with the exception of Councilmen James Nelson, Jr. and Winslow McNeill, are present. Mayor Hamblin led the Pledge of Allegiance and Debra Seeley offered the invocation.

COUNCIL PRESENT: Bryce Hamblin, Mayor
Steve Erhart, Vice Mayor
Debra Seeley
John O. Phelps
Allen Browning

COUNCIL ABSENT: James Nelson, Jr.
Winslow McNeill

STAFF PRESENT: Bruce Ray, Interim Town Manager
Marion Wiltbank, Assistant Town Clerk
Frank Adams, Fire Chief
Mike Sweetser, Interim Police Chief
Jeremiah Loyd, Community Development Director
Doug Brown, Town Attorney

ITEM #5: SUMMARY OF CURRENT EVENTS

Interim Town Manager Bruce Ray reported that he and Town Clerk Eva Wilson would be meeting with Town Attorney Doug Brown to discuss concerns regarding the Personnel Rules. If Councilmembers have any questions on the proposed personnel rules, contact him during this month as the Personnel Rules will be considered for adoption by the Council in February.

Mr. Ray stated that staff would like to thank Council for their support in the past year and it was a successful year. Staff would also like to thank the Council for the Christmas party they had sponsored.

ITEM #6: OPEN CALL TO THE PUBLIC

None.

ITEM # 7: PRESENTATIONS

- A. FIRE SERVICE AWARD PRESENTATIONS TO ALBERT PEÑA FOR HIS SERVICE ON THE EAGAR FIRE DEPARTMENT OF 20 YEARS, TO STEVEN COLLINS FOR HIS SERVICE ON THE EAGAR FIRE DEPARTMENT OF 15 YEARS, AND LEA BECKMAN FOR HER SERVICE ON THE EAGAR FIRE DEPARTMENT OF 5 YEARS

Fire Chief Frank Adams stated the Fire Department would like to recognize Albert Peña, Steven Collins, and Lea Beckman. Albert Peña has been with the Fire Department for 20 years, and Steve Collins has been with the Fire Department for 15 years. Chief Adams stated, it takes a rare person to have a full time job and contribute most of the rest of their time to protecting the community. The Town is fortunate to have a great bunch of people willing to serve the community to provide an excellent level of protection. Albert Peña and Steve Collins were awarded with a plaque and a standing ovation from the Eagar Town Council. Mayor Bryce Hamblin thanked Albert Peña and Steve Collins for their service to the Town of Eagar. Lea Beckman was unable to attend the meeting for her five-year award.

ITEM #8: CONSENT AGENDA

- A. APPROVAL OF MINUTES OF EAGAR TOWN COUNCIL MEETING(S) HELD DECEMBER 2016
- B. APPROVAL OF NOVEMBER 2016 NATIONAL BANK OF ARIZONA TRANSMITTALS, CHECKS WRITTEN, PAYROLL DIRECT DEPOSIT VOUCHERS, AND CREDIT CARD PURCHASES
- C. ACCEPTANCE OF NOVEMBER 2016 FINANCIAL REPORT AND SALES TAX REPORT
- D. AUTHORIZATION FOR THE TOWN OF EAGAR TO ENTER INTO A MUTUAL AID INTERGOVERNMENTAL AGREEMENT WITH THE FIRE DEPARTMENTS AND FIRE DISTRICTS THROUGHOUT APACHE AND NAVAJO COUNTIES
- E. APPROVAL TO ALLOW THE PURCHASE, WITH ARIZONA WIRELESS AND RADIO, INC. (ARIZONA STATE CONTRACTOR ON THE STATE CONTRACTING LIST), OF PORTABLE RADIOS FOR THE EAGAR FIRE DEPARTMENT THROUGH MONIES OBTAINED THROUGH THE RAC GRANT NOT TO EXCEED \$15,500
- F. APPROVAL TO ALLOW THE PURCHASE OF SELF-CONTAINED BREATHING APPARATUS (SCBA) COMPRESSOR AND FILL STATIONS FOR THE EAGAR FIRE DEPARTMENT THROUGH MONIES OBTAINED FROM PROPOSITION 202 GRANT FROM THE GILA RIVER INDIAN COMMUNITY NOT TO EXCEED \$70,000 AND TO ALLOW THE TOWN OF EAGAR TO ENTER INTO A CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER

- G. AUTHORIZATION FOR THE TOWN OF EAGAR TO ENTER INTO A GRANT AGREEMENT WITH ARIZONA STATE PARKS FOR APACHE COUNTY COUNTYWIDE TRAIL PROJECT – CROOKED NAIL TRAIL
- H. ADOPTION OF RESOLUTION 2017-02 AUTHORIZING THE TOWN OF EAGAR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH APACHE COUNTY, CITY OF ST. JOHNS, AND TOWN OF SPRINGERVILLE FOR THE CROOKED NAIL TRAIL
- I. AUTHORIZATION FOR THE TOWN OF EAGAR TO ENTER INTO THE 2017 POLLING PLACE AGREEMENT WITH APACHE COUNTY ALLOWING FOR THE EAGAR TOWN COUNCIL CHAMBERS TO BE USED AS A POLLING LOCATION
- J. ACCEPTANCE OF THE 2017 CALENDAR OF REGULAR EAGAR COUNCIL MEETINGS
- K. AUTHORIZATION FOR THE TOWN OF EAGAR TO ENTER INTO A MUTUAL AID INTERGOVERNMENTAL AGREEMENT WITH THE TOWN OF SPRINGERVILLE TO COORDINATE THE AVAILABLE RESOURCES OF THE TWO POLICE DEPARTMENTS TO INCLUDE ANIMAL CONTROL SERVICES

Councilor Allen Browning made a motion to approve the Consent Agenda as presented. Councilor Debra Seeley seconded; all were in favor, motion carried unanimously. 5-0

ITEM #9: UNFINISHED BUSINESS

- A. DISCUSSION AND CONSIDERATION OF APPOINTMENTS TO THE EAGAR MUNICIPAL PROPERTY CORPORATION, PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM LOCAL BOARD, AND PLANNING AND ZONING COMMISSION

Interim Town Manager Bruce Ray stated the Town has never had this many applicants for these positions. The review committee had met and their recommendations are as follows: Municipal Property Corporation - Milt Nelson; Public Safety Retirement System Local Board - Melissa Wallace; Planning and Zoning Commission - Dan Muth and David Kalinowski.

Councilor Debra Seeley made a motion to approve the recommended appointments to the respective boards. Councilor Steve Erhart seconded; all were in favor, motion carried unanimously. 5-0

ITEM #10: NEW BUSINESS

A. DISCUSSION AND CONSIDERATION OF PLACEMENT OF THE WHITE MOUNTAIN VETERAN'S MEMORIAL ON THE HISTORICAL PRESERVATION EASEMENT OF THE TOWN PROPERTY AT 174 SOUTH MAIN STREET OR CENTENNIAL PARK AT 194 NORTH MAIN STREET

Resident Kathleen Davis stated that Steve Nicoll had discussed with management about placing the Veteran's Memorial on the front lawn of Town Hall. An alternative location was at Centennial Park. In front of Eagar Police Department is more central to both schools for their goal to give school kids easy access to the memorial. Mr. Ray stated the alternative location was recommended due to a Town Hall historical grant in which the State Board can only give approval for modifications to the historical easement. The State Board had been contacted and they stated the memorial would not interfere with the grant.

Councilor John Phelps asked Mrs. Davis if she had sought other's opinions or preferences for the placement of the memorial elsewhere in town. Mrs. Davis stated the veterans that she had visited wanted the Veterans Memorial at the Town Hall location.

One of the Veterans in attendance said that Apache County had been unresponsive to efforts to locate it at the Apache County Round Valley Library. Another Veteran in attendance said he was a member of the American Legion and the Veteran's Memorial had their support and they preferred the Town Hall location as well.

Councilor Debra Seeley's had reservations with the Town Hall location due to lack of parking; wanting a location that can be more centralized to the three schools; comfort when performing memorial services; and placement of flags for visibility. Councilor Seeley in favor of a Veteran's Memorial and wants that on the record, but is just not sure about the location.

Ms. Davis replied, saying the kids from both of these schools can walk and kids from the High School can drive. The flagpole is an issue to be considered. The Town Hall parking lot, school parking lot, and library parking lots can be used. Parking would be an issue at Centennial Park. Mrs. Davis spent over six months assessing locations for the memorial and finding people to donate the land with no success other than Town property.

Mayor Bryce Hamblin likes this location because the town will continue to have a nice clean appearance and give the memorial the respect it deserves. Being located right outside of the Police Department will also detour vandals from messing with it. The flags can be worked out and parking wouldn't be an issue.

Councilor Steve Erhart asked if they had approached the County and the schools for sharing of the parking lots and if not Mr. Ray could help them make those contacts.

Councilor Allen Browning made a motion to approve the placement of the White Mountain Veteran's Memorial on the historical preservation easement at the Town property at 174 South Main Street. Councilor Steve Erhart seconded; Debra Seeley opposed the motion, motion carried. 4-1

B. PRESENTATION, DISCUSSION, AND CONSIDERATION TO ACCEPT THE EAGAR INDUSTRIAL PARK MASTER PLAN AS DESIGNED AND FORMULATED BY J2 ENGINEERING

Community Development Director Jeremiah Loyd reminded Council the Town had received a grant from the U. S. Department of Agricultural to create the Industrial Park Master Plan. J2 was selected as the consultant and Dean Chambers and Jack Gilmore will be presenting the Industrial Park Master Plan tonight.

J2 has presented at an Eagar Public Meeting in May of 2016, held workshops with Eagar Planning and Zoning (P & Z) in August and November of 2016, and received a recommendation to address Council for approval of the Industrial Park Master Plan from P & Z. Mr. Chambers stated, initially the planning area was about 4480 acres located around the cinder pit, the Town-owned parcels, and parcels owned by State Land and the Hopi Tribe. Utilities' location were instrumental in the development of the master plan and they are located by the airport, the river and School Bus Road. The master plan shows development initially starting near the river working west to School Bus Road with residential, light industrial, a small commercial piece, the existing industrial uses, light industrial by the road and heavy industrial behind the hill and wrapped back around to the cinder pit area.

Mr. Gilmore explained they took into account what the market conveys about the area; the kind of industry suited for that particular area; regional needs; types of uses being supported or sought for industrial developments or opportunities in this market. Large industrial parks follow transportation modes – freeways and roads. Highway 260 is an ADOT controlled highway and they control the access off 260. Economic Development generates jobs and jobs are the first things considered when talking about long-term economic development as it builds the entire economic basis for a community. The need is to start attracting users that are generating jobs and interested in Eagar.

J2 looked at the Eagar General Plan and what is happening around Springerville, and what has happened around Show Low and Pinetop/Lakeside providing some direction on how to assign some of the industrial park master plan parcels. Whether it's a light industrial user or a manufacturer, they are looking for what they call show good property, "What is the opportunity for me to come into this community and make the wisest investment for properties easy to develop that's got water and sewer". Utilities will be expensive to extend to the west side and the most cost effective way of using the infrastructure investment is to start with industrial development in the area Phase 1 on the east side of the development. Springerville shares a bypass the outside area at the abandoned road by the airport that makes sense in terms of connecting to those utilities right away, being more cost effective. As utilities are extended along the highway, putting in place the other phases allowing flexibility to a long term solution.

There is benefit now in the industrial park from the industries' land leases but no sales tax. While these industries continue to operate the initial phase can be developed. Concord Blue is coming and that is going to be a great use for the property.

Looking at the industrial development along the frontage it is suggested that the industrial development be the kind that is quality controlled and right now the Town of Eagar has one industrial zone. It is suggested to have two zones, light industrial along the frontage and heavy industrial on the backside. Light industrial is any kind of manufacturing and incubator use that happens where all operations are within a closed structure, no outside production except for storage. Under this zone classification the amount of storage that occurs on the property can be dictated. Developers can be required to screen out and landscape the area. The heavy industrial use on the backside of the cinder pit is an open production zone being screened by the hill from the highway. It is suggested on the frontage there could be an extensive landscape buffer. Developers/users are looking to place their buildings/businesses along these highways, because people drive by and identify their business. ADOT controls the frontage access and they can be strict where intervals occur. There are three access points onto the highway. ADOT would require a traffic study to permit a deceleration lane to allow initial turning movements onto the highway. There has to be deceleration lanes and it would be less expensive to minimize the turning points.

Fire Departments ordinarily want an ingress and egress for developments to address fire suppression. In this case that is access off the highway, looping around the backside of the cinder pit. In the future there might be justification for a loop for future developments on state trust land. The heavy industrial area has two points of ingress and egress, and placing the water there is suggested. Heavy industrial development could start on the west side and work itself east.

The most expensive part of developing an industrial park, is typically water and sewer, but it will be fire suppression in this case. Some industrial parks drill and utilize wells for water, and septic tanks for sewer especially if they don't have a lot of employees. The initial fire suppression can utilize the water storage tank on top of the cinder pit hill.

What is the best way to phase this industrial park? If users are coming here looking for a site that is where Jeremiah or the council can tell these users we got property on the north side of the highway we can get you in here for the cost you would have to extend the water and sewer. When you get the first user who is only going to use septic and well and then address the fire suppressant system.

Mr. Gilmore discussed the different phases and how to expand. We are looking for flexibility for what is the most cost effective way to get users on the ground while making a massive investment. Drainage is going to be another issue. There is a lot of water coming off the hillside and J2 is suggesting a basin tying in with the natural drainage that crosses the highway into the Little Colorado. The drainage is a natural separator of the light and heavy industrial.

It is how you present this plan for the most cost effective way to get construction on the ground and provide the Town of Eagar some flexibility. In terms of going forward this could be the basis of a General Plan amendment. J2 is not promoting re-zoning at this time, just how this property could be divided and developed in some logical and efficient ways.

If all of this land is developed there would be 11,482 jobs. Mr. Chambers passed out a cost by phase report "Opinion of Probable Costs Summary" showing the cost to developers. The total of all phases is \$33,577,978. The existing phase is called the Interim Phase instead of Phase 1, because it is already developing the 138 acres.

Mayor Hamblin said it appears the plan would be initially to get water and sewer from the Town of Springerville. Mr. Chambers replied that they had the initial water coming from the Town of Eagar's well site by the river and flowing over to the contour that would feed all of the area to the east of School Bus Road with a tank in that area, the flight zone. There is currently utilities on the eastside of the river and off the highway on School Bus Road. There would have to be more engineering on connecting. There might be some relationship with Springerville to kick start a phase for less money on certain water/sewer savings.

Councilor Steve Erhart questioned Mr. Ray that the Town already had water on what is called the existing industrial park. Mr. Ray informed Council that the existing phase has an 8 inch water line. Mr. Chambers said that would take off some of the initial cost.

Mayor Hamblin ask Council for any questions to J2 Engineering and there were none at this time. Mayor Hamblin asked Council for a motion on this item. Councilor Steve Erhart would like this item brought back, as there was a lot of information to go over and would like to look at it more before a decision is made. The rest of Council was in agreement with Councilor Erhart and this item will be brought back to council.

C. DISCUSSION AND CONSIDERATION TO ADOPT RESOLUTION 2017-01
AUTHORIZING THE TOWN OF EAGAR TO ENTER INTO AN
INTERGOVERNMENTAL AGREEMENT WITH THE SPECIAL RESPONSE TEAM TO
PROVIDE HIGH-RISK AND EMERGENCY RESPONSE ASSISTANCE WITHIN THE
TOWN OF EAGAR

Interim Police Chief Mike Sweetser stated that he had already met with Town Attorney Doug Brown on Resolution 2017-01 and there are numerous agencies in Navajo County participating in the Weapons Special Response Team, which is technically a SWAT Team. Eagar has needed this assistance for a 2008 incident. The Sunday before Thanksgiving Apache County called them into our jurisdiction for another incident, it is not a frequent need. Interim Chief Sweetser has pursuing this agreement with this team because it is the specialized team in the area with the quickest response.

There is a direction of change with the team, they are trying to change their name to the "White Mountain Special Response Team" and bring in agencies from Apache County. To date St. Johns and Apache County Sheriff's Office have participating members. Acceptance of the resolution to accept the IGA would allow Eagar to have members involved, as well as request them when needed. The IGA is best to have in place to protect all entities involved. Show Low, Pinetop/Lakeside, Navajo County, and other smaller agencies have officers involved too.

Mayor Bryce Hamblin assumes that once it becomes the White Mountain Special Response Team the Council will be getting a new IGA. Chief Sweetser agreed and said it would be a more formal IGA instead of a resolution.

Councilor John Phelps questioned in cases that we call them to respond, who is in charge, is our officers or liaison still in charge. Chief Sweetser himself or Sergeant Jones would be the point of contact. Eagar would have a liaison working with them directly and we are going to be involved. In most instances leeway is given to the special response team for what they have to do, because you are calling them in on a tight situation. The negotiators are very effective. For Eagar to train an officer in negotiation and have them readily available is not cost effective.

Councilor Steve Erhart made a motion to adopt Resolution 2017-01, authorizing the Town of Eagar to enter into an Intergovernmental Agreement with the Special Response Team to provide high risk and emergency response assistance within the Town of Eagar. Councilor Allen Browning seconded; all were in favor, motion carried unanimously. 5-0

D. DISCUSSION AND FIRST READING OF ORDINANCE 2017-01 AMENDING THE EAGAR TOWN CODE BY ELIMINATING TITLE 18 (SECTIONS 18.20.050, 18.24.050, 18.28.050, 18.32.050, 18.36.050, 18.40.050, 18.44.050, 18.48.060, 18.52.050) ZONING, GENERAL PROVISIONS PERTAINING TO FIVE OR MORE DOG PERMIT; AND REVISING TITLE 6 – ANIMALS

Interim Chief Sweetser referenced the memo in the packet that outlines the overall basis of the changes recommended. A review team reviewed the code thoroughly discussing those recommendations. The two biggest recommendations are to remove all animal codes from Title 18 and move them into Title 6. It puts it directly onto the Animal Control Officer and gives him a little more teeth if he needs it to issue a citation if needed.

In discussion with Council the five or more dog permit was not desired. Most complaints that involve with the permit start with barking dogs. Moving those codes into Title 6 covers the concerns of smells and nuisances. The current leash law states the dog must be ‘under control’ but is open for interpretation needing clarification. ‘Liability for Damages’ was removed and made its own section, meaning an owner of an animal at large on someone’s property causing damage, allows the issuance of a citation. The impoundment time frame per state law allows three days, but out of courtesy for animal owners, Eagar maintains animals for five days and now it will be in the code.

Mayor Bryce Hamblin questioned Liability for Damages the last portion in paragraph A. “except that such person will not discharge a firearm or other dangerous instrument”, it allows somebody to kill a dog that is attacking a domesticated animal but they are not allowed to use a “firearm or dangerous instrument”. How are they going to kill it? Chief Sweetser explained the basis is under state law not allowing discharge of firearms inside city limits without permission from the Chief of Police. The way he looks at it if you had to do what you had to do, as long as there is no issue, move forward with it. He understands what

the Mayor is saying and it is something we could look at and maybe change the verbiage. Mayor Hamblin said at the very least the 'dangerous instrument' should be removed.

Councilor Debra Seeley questioned on page 143 where it was changed in 6.12.070.B from three days to five days, why in 6.12.070.D. and on page 146 it says 'the owner will have six working days'. Chief Sweetser said if they had to remove an animal from private property or public property and don't know who the owner is, that is the 'five days' impound and the other two is 'the owner' who is known. The five days is five calendar days because we start incurring the cost of feeding the animal. If an owner is missing a dog it is generally known within a couple of days. Most of dogs are not euthanized as the no kill animal shelters get them.

ITEM #11: SIGNING OF DOCUMENTS

Necessary signatures were obtained for the Minutes of December 2016; Financial Statements for November 2016; Northeastern Arizona Fire Chiefs Association Multi-Agency Master Mutual Aid IGA; Resolutions 2017-01 and 2017-02; Police Department Mutual Aid IGA with Springerville; and 2017 Polling Place Agreement.

ITEM #12: ADJOURNMENT

Councilor Steve Erhart made a motion to adjourn the meeting [at 8:11 p.m.] Councilor Allen Browning seconded; all were in favor, motion carried unanimously. 5-0

Attest: _____

Mayor: _____

Vice-Mayor: _____

Council: _____

CERTIFICATION OF COUNCIL MINUTES

I hereby certify that the foregoing minutes is a true and correct copy of the minutes of the Regular Council Meeting of the Town of Eagar, Arizona held on January 3, 2017.

I further certify that the meeting was duly called and held and that a quorum was present.

Marion Wiltbank, Assistant Town Clerk